

STEVEN R. DAVIS SBN# 182231
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Attorney for Defendant
RICARDO SIMENTAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

Plaintiff,

vs.

RICARDO SIMENTAL,

Defendant

No. CR-S 05-173 FCD
STIPULATION AND ORDER

Date: October 11, 2005
Time: 9:30 A.M

It is hereby stipulated between the parties, Carolyn Delaney, Assistant United States Attorney, attorney for Plaintiff, and Steven Davis, attorney for RICARDO SIMENTAL, as follows:

It is agreed that the current Motion to Dismiss Duplicitous Indictment is withdrawn, that the hearing on said motion is dropped, that the October 11, 2005 hearing date be vacated, and that a new Status Conference date of October 17, 2005 at 9:30 a.m. be set.

This continuance is requested pursuant to local rule T-4, and is necessary for new defense counsel the opportunity to review discovery and prior pleadings filed on behalf of Defendant and to continue further investigation. The time is excluded pursuant to U.S.C. § 3161 (h)(8)(A).

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1 Date: October 6, 2005

2 Respectfully submitted,

3 /s/ STEVEN R. DAVIS

4 STEVEN R. DAVIS

5 Attorney for Defendant

6 RICARDO SIMENTAL

7 MCGREGOR W. SCOTT

8 United States Attorney

8 Dated: October 6, 2005

/s/ CAROLYN DELANEY

9 Assistant U.S. Attorney

10 **ORDER**

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12 **IT IS SO ORDERED**

13 DATED: October 11, 2005_____

14
15 /s/ Frank C. Damrell Jr.

16 HONORABLE FRANK C. DAMRELL

17 District Court Judge

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